

13281 U.S. PTO
042104

MAIL STOP PATENT APPLICATION
Attorney Docket No.: 26099

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
SAN GABRIEL, et al.
Serial No.: Not yet assigned
Filed: April 21, 2004
Title: **NOVEL GLUTAMIC ACID RECEPTOR AND UTILIZATION THEREOF**
(Continuation of International Application No. PCT/JP02/10984, having an International Filing Date of October 23, 2002.)

22387 U.S. PTO
10/828332

042104

TRANSMITTAL LETTER

The Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter
- (2) Filing Form For Continuation U.S. Patent Application;
- (3) Continuation application including:
 - 46 Pages Application Consisting of:
 - 32 pages of textual specification
 - 3 pages of 15 claims
 - 1 page containing the abstract of the disclosure
 - 7 pages of sequence listing
 - 3 sheets of drawings
- (4) **Preliminary Amendment (to be examined)**
- (5) Executed Declaration
- (6) Executed Assignment with recordation cover sheet
- (7) Copy of PCT Request form submitted to the JPO
- (8) PCT/IB/304 Notification Concerning Submission or Transmittal of Priority Document
- (9) PCT/IB/308 Notice Informing the Applicant of the Communication of the International Application to the Designated Offices
- (10) Copy of Front Page of International Publication No. WO 03/035873 A1, International Publication Date May 1, 2003, with PCT/ISA/210 International Search Report
- (11) PCT/IB/332 Information Concerning Elected Offices Notified of the Election
- (12) Request for Priority
- (13) Priority Document No. 2001-325159
- (14) Information Disclosure Statement
- (15) Form PTO-1449 with thirty-one (31) references
- (16) Check No. 20829 \$770.00 for filing fee
- (17) Postcard for early notification of serial number
- (18) Diskette containing Computer Readable Form (CRF) of the Sequence Listing

Respectfully submitted,
NATH & ASSOCIATES PLLC

By: Todd Juneau
Gary M. Nath
Registration No. 26,965
Todd L. Juneau
Registration No. 40,669
Customer No. 20529

Date: April 21, 2004
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FILING FORM

FOR CONTINUATION U.S. PATENT APPLICATION

Commissioner of Patents
Alexandria, Virginia 22313-1450

Sir:

1. This is a Request for filing a
- x Continuation Application under:
 - x 37 CFR § 1.53(b)(1)
 - Divisional Application under:
 - 37 CFR § 1.53(b)(1)
 - Continuation-In-Part (CIP) application
 - 37 CFR § 1.53(b)(2)

of **prior** ("parent") application:

International Appl. No.: PCT/JP02/10984

International Filing Date: October 23, 2002

Entitled: **NOVEL GLUTAMIC ACID RECEPTOR AND
UTILIZATION THEREOF**

2. X *Enclosed for application under 37 CFR §§ 1.53(b) are:
- 43 pages of text (specification, claims, abstract)
 - 15 claims
 - 3 sheets of drawings

3. The **present** application names the following inventor(s):

Ana SAN GABRIEL
Takami MAEKAWA
Hisayuki UNEYAMA
Kunio TORII

— (37 CFR § 1.53--"CIP") The above-identified application (in which no payment of the Issue Fee, abandonment of or termination of proceedings has occurred) is hereby expressly abandoned as of the filing date of this new application.

The **Total Filing Fee** is calculated as follows:

— Enter the Amendment filed in the prior patent application on _____ prior to calculating the filing fee.

XX Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

(Col 1)		(Col 2)		SMALL ENTITY		OR	NON-SMALL ENTITY	
NUMBER OF CLAIMS FILED		NUMBER OF EXTRA CLAIMS		RATE	FEE		RATE	FEE
TOTAL	15	minus 20	0	x9=	0		x18=	0
INDEP	1	minus 3	0	x43=	0		x86=	0
BASE FILING FEE:				+385=	0		+770=	770
<u>xx</u> Multiple Dependent Claims				+145=	0		+290=	0
				TOTAL	0	OR	TOTAL	770

— Applicant(s) is/are a "small entity". A Verified Statement Claiming Small Entity Status:
— was filed in the parent application, and small entity status is still proper and desired (Rules 60, 62 only);
— is filed herewith;
— will be filed at a later date.

X A check including the above-indicated filing fee is enclosed.

— A Petition for Extension of Time (to keep the parent case pending) is enclosed, with a check including the \$ extension fee.

___ Assignment document(s) is/are submitted herewith, with a check including the recordation fee of \$40.00 per Assignment.

___ No check is enclosed. A Declaration and Power of Attorney will be submitted at a later date pursuant to 37 CFR §§ 1.41, 1.53, together with a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).

___ The prior application is assigned of record to ___, the Assignment being recorded on ___, on Reel ___, Frame(s) ___.

___ An original executed Declaration is enclosed.

X Amend the specification by inserting before the first line the sentence:

--This application is a continuation application of International Application Number PCT/JP02/10984, having an International Filing Date of October 23, 2002, the contents of which are hereby incorporated by reference in its entirety.--

X Foreign priority under 35 U.S.C. § 119 of JAPAN application(s) 2001-325159, filed October 23, 2001, is hereby claimed. The certified priority paper(s):

___ was/were filed in the parent case;

X is/are enclosed herewith;

___ will be submitted at a later date.

___ The power of attorney in the prior application is to Gary M. Nath, Registration No. 26,965, Customer No. 20529.

___ The power appears in the original papers in the prior application.

X Address all future communications to:

Gary M. Nath / *Todd Juneau*
NATH & ASSOCIATES PLLC
1030 15th Street, N.W.- 6th Floor
Washington, D.C. 20005

— If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby petitioned to allow copendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

X The Commissioner is hereby authorized to charge any fee deficiency under 37 CFR §§ 1.16 and 1.17 which may be required, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: April 21, 2004

Todd Juneau

Gary M. Nath
Registration No. 26,965
Todd L. Juneau
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